

HOUSE BILL NO. 356

INTRODUCED BY H. RASER

A BILL FOR AN ACT ENTITLED: "AN ACT REMOVING THE EXEMPTION ON VOTER APPROVAL FOR THE ANNEXATION OF LESS THAN 300 PARCELS OF LAND, INCLUDING LAND USED FOR RAILROAD PURPOSES; AMENDING SECTIONS 7-2-4303 AND 7-2-4314, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-2-4303, MCA, is amended to read:

"7-2-4303. Restrictions on annexation power. ~~Except as provided in 7-2-4314(1)(d),~~ Land used for industrial, railroad, or manufacturing purposes may not be included in a city or town under the provisions of 7-2-4311 through 7-2-4314 and 7-2-4325 without the written consent of the owners of the land."

Section 2. Section 7-2-4314, MCA, is amended to read:

"7-2-4314. Hearing on question of annexation -- vote on question of annexation -- resolution of annexation. (1) (a) The city or town clerk shall, at the next regular meeting of the city or town council after the expiration of the 20-day period provided for in 7-2-4313, forward all written communication received by the clerk for the city or town council's consideration.

(b) ~~Except as provided in subsection (1)(d),~~ if the city or town council, after considering all written communication, adopts a resolution approving the annexation, the implementation of the resolution must be approved by the vote of the registered voters residing in the area proposed for annexation. The resolution must state the date on which the proposed annexation is intended to take effect.

(c) Within 45 days of adopting the resolution for annexation, the city or town council shall submit the question of approving the resolution to the registered voters residing in the area proposed for annexation. A notice of election must be mailed to all registered voters residing in the area proposed for annexation.

~~(d) If the area to be annexed contains less than 300 recorded parcels, the city or town council,~~

1 ~~after considering all written communication, may adopt a resolution approving the annexation and the~~
2 ~~boundaries of the city or town must be extended to include the platted tracts or parcels of land or~~
3 ~~unplatted land for which a certificate of survey has been filed. An area annexed pursuant to this subsection~~
4 ~~may include land used for railroad purposes. A city or town council may not annex by resolution an area~~
5 ~~containing less than 300 recorded parcels if the resolution is disapproved in writing by a majority of real~~
6 ~~property owners of the area proposed to be annexed. If the resolution is disapproved by a majority of the~~
7 ~~land owners, the city or town council may not on its own initiative propose further resolutions relating to~~
8 ~~the annexation of the area or any portion of the area, without petition, for a period of 1 year.~~

9 (2) ~~Except as provided in subsection (1)(d), further~~ Further resolutions relating to the annexation
10 of the area or any portion of the area may not be considered or acted upon by the council on its own
11 initiative, without petition, for a period of 5 years from the date of disapproval by the voters as provided
12 in subsection (1)."

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14 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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